

EXHIBIT A

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

**CHERYL KYLE
11303 Bristol Terrace
Kansas City, MO 64134,**

Plaintiff,

v.

Case No. _____

Court No. _____

**SAM'S EAST, INC. d/b/a RAYMORE
SAM'S CLUB NO. 8243**

**[Serve: CT Corporation System
120 South Central Ave.
Clayton, MO 63105]**

Defendant.

PETITION FOR DAMAGES

For her petition against the above-named defendant, Plaintiff Cheryl Kyle states and alleges that:

Parties, Jurisdiction, and Venue

1. Plaintiff is an individual who resides and is a citizen of the state of Missouri.
2. Defendant Sam's East, Inc. d/b/a Raymore Sam's Club No. 8243
(hereinafter "Sam's Club") is a corporation organized and existing under the laws of the State of Arkansas, which is transacting business in the State of Missouri. Defendant owns and operates a discount store located at 141 Dean Avenue in Raymore, Cass County, Missouri.

3. Defendant can be served with process by delivering a copy of this petition and a summons to its registered agent CT Corporation System, 120 South Central Ave., Clayton, MO 63105

4. The injuries sustained by the plaintiff occurred in Cass County, Missouri, and, therefore, venue is proper in this Court.

General Allegations

5. Sam's Club is, and was on March 19, 2020, the owner, occupier or possessor of a discount store located at 141 Dean Avenue in Raymore, Cass County, Missouri (hereinafter "the premises").

6. Plaintiff was on March 19, 2020 a customer of the Sam's Club aforementioned and was regularly invited by Sam's Club to enter and remain on the premises for a purpose directly or indirectly connected with the business in which Sam's Club was engaged.

7. At approximately 1:10 o'clock p.m. on March 19, 2020, Plaintiff was walking into the Sam's Club front entrance when she slipped and fell in liquid on the floor. As she slipped, she fell to the ground.

8. Plaintiff slipped in a clear fluid on the floor which appeared to be water. The water was difficult to see and made the premises unreasonably dangerous for invitees using it.

9. At all times material to the subject matter of this lawsuit, the premises

above-mentioned were maintained and exclusively controlled by Sam's Club.

10. At all times material to the subject matter of this lawsuit, Plaintiff exercised reasonable and due care for her own safety, health and well-being. Plaintiff did not know, and by using ordinary care, could not have known, that there was liquid on the floor of Defendant's grocery store or that the liquid presented an unreasonably dangerous or unsafe condition.

Count I
(Negligence vs. Sam's Club)

For the first count of her petition in this action, Plaintiff states and alleges that:

11. Each of the preceding paragraphs of this petition is incorporated into this Count as though fully set forth.

12. As the owner, occupier or possessor of the premises, Sam's Club owed a duty to exercise reasonable and ordinary care to ensure that the premises were reasonably safe. Sam's Club also owed a duty to Plaintiff to warn her of all of the premises' dangerous conditions.

13. The liquid on the floor which caused Plaintiff to slip and fall presented a dangerous and unsafe condition, involving an unreasonable risk of harm or injury to Plaintiff and other Sam's Club customers in that the liquid created a slip hazard.

14. Sam's Club knew of, or by the exercise of reasonable care, could have known of the dangerous and unsafe condition presented by the liquid on the floor, and Sam's Club knew or could have known that the dangerous and unsafe condition involved

an unreasonable risk of harm or injury to Plaintiff and other customers.

15. Sam's Club breached the duties it owed to Plaintiff and was thereby negligent in that it failed to use reasonable and ordinary care to ensure that the premises it owned, occupied or possessed were reasonably safe for receiving customers by correcting the dangerous condition presented by the liquid on the floor, and/or failed to warn Plaintiff about the dangerous and unsafe condition despite the fact that Sam's Club knew or could have known that the premises were unsafe.

16. As a direct and proximate result of Sam's Club negligent actions and/or omissions, Plaintiff sustained serious, permanent, and debilitating injuries to her person including, but not limited to, an injury to her right knee. In addition, Plaintiff incurred, and will in the future continue to incur, the following damages:


- a. Hospitalization, medical and other related health care expenses that Plaintiff would not have incurred but for the injuries she sustained as a result of Sam's Club negligence;
- b. Great physical pain, suffering, loss of enjoyment of life and mental anguish that Plaintiff would not have experienced but for the injuries she sustained as a result of Sam's Club negligence;
- c. Probable future medical expenses, physical pain, suffering, lost enjoyment of life and mental anguish Plaintiff

would not otherwise be subjected to but for the injuries she sustained as a result of Sam's Club negligence.

WHEREFORE Plaintiff Cheryl Kyle respectfully prays that this Court enter a judgment in her favor and against Sam's East, Inc. d/b/a Raymore Sam's Club No. 8243 in an amount that is fair and reasonable, for her costs of this action and such other and further relief as the Court deems just and proper.

Respectfully Submitted,

COUCH, PIERCE, KING &
WHARTON, CHARTERED



MICHAEL W. WHARTON MO#40787
12 Corporate Woods Suite 370
10975 Benson Drive
Overland Park, Kansas 66210
Telephone: 913-451-8430
Fax: 913-451-8531
Email: mwharton@cpkwlaw.com
ATTORNEYS FOR PLAINTIFF

DEMAND FOR JURY TRIAL

COMES NOW the plaintiff, Cheryl Kyle, and demands trial by jury on all issues so triable.



MICHAEL W. WHARTON

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

CHERYL KYLE
11303 Bristol Terrace
Kansas City, MO 64134,

Plaintiff,

v.

Case No. _____
Court No. _____

SAM'S EAST, INC. d/b/a RAYMORE
SAM'S CLUB NO. 8243

[Serve: CT Corporation System
120 South Central Ave.
Clayton, MO 63105]

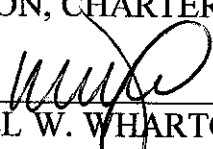
Defendant.

NOTICE OF SERVICE OF DISCOVERY REQUESTS

Plaintiff, Cheryl Kyle, hereby notifies the Court and counsel that she has served Plaintiff's First set of Interrogatories on Defendant Sam's East, Inc. and Plaintiff's First Request for Production of Documents on Defendant Sam's East, Inc. by serving same with the petition for damages.

Respectfully Submitted,

COUCH, PIERCE, KING &
 WHARTON, CHARTERED



 MICHAEL W. WHARTON MO#40787
 12 Corporate Woods Suite 370
 10975 Benson Drive
 Overland Park, Kansas 66210
 Telephone: 913-451-8430/Fax: 913-451-8531
 Email: mwharton@cpkwlaw.com
ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI

CHERYL KYLE
11303 Bristol Terrace
Kansas City, MO 64134,

Plaintiff,

v.

Case No. _____

Court No. _____

SAM'S EAST, INC. d/b/a RAYMORE
SAM'S CLUB NO. 8243

[Serve: CT Corporation System
120 South Central Ave.
Clayton, MO 63105]

Defendant.

REQUEST AND SERVICE INSTRUCTION FORM

To: Clerk of the Circuit Court

Please issue a Summons in this action to **SAM'S EAST, INC. d/b/a RAYMORE**
SAM'S CLUB NO. 8243 whose address for service is:

CT Corporation System
120 S. Central Ave.
Clayton, MO 63105


XX a. Service through the Sheriff of St. Louis County, State of Missouri.

_____ b. Service by an authorized process server.

_____ c. Certified mail service by the undersigned litigant or attorney, who understands that it is their responsibility to obtain service and to make the return to the clerk. The postal receipt for service must be filed with the clerk's office to prove service.

_____ d. Certified mail service by the Sheriff of _____ County, Missouri. Sheriff of _____ County does not do out-of-state service by certified mail.

XX e. Return to undersigned attorney for service.

Michael W. Wharton 
Attorney for Plaintiff Cheryl Kyle
Mo. Sup. Ct. No. 40787
Address 10975 Benson Dr. Ste. 370
Overland Park, KS 66210
Telephone No. 913-451-8430
Fax No. 913-451-8531

COUCH, PIERCE, KING & WHARTON, CHARTERED

ATTORNEYS AT LAW
12 CORPORATE WOODS, SUITE 370
10975 BENSON DRIVE
OVERLAND PARK, KANSAS 66210-2120
(913) 451-8430
FAX - (913) 451-8531

Michael Wharton
Email: mwharton@cpkwlaw.com
Direct Dial: (913) 451-8434
Extension: 205

October 13, 2020

Clerk of the Circuit Court

RE: Kay Mathis v Family Dollar
D/Accident: October 6, 2019

Dear Sir or Madam:

Attached please find the additional \$5.00 for the filing fee.

Very truly yours,

/s/ Michael W. Wharton

Michael W. Wharton
For the Firm

MWW/msg




IN THE 17TH JUDICIAL CIRCUIT, CASS COUNTY, MISSOURI

Judge or Division: WILLIAM B COLLINS	Case Number: 20CA-CC00227
Plaintiff/Petitioner: CHERYL KYLE	Plaintiff's/Petitioner's Attorney/Address MICHAEL WAYNE WHARTON SUITE 370 10975 BENSON DRIVE OVERLAND PARK, KS 66210
Defendant/Respondent: SAM'S EAST, INC.	Court Address: Cass County Justice Center 2501 West Mechanic HARRISONVILLE, MO 64701
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: SAM'S EAST, INC.
Alias: D/B/A RAYMORE SAM'S CLUB NO 8243
 120 SOUTH CENTRAL AVENUE
 CT CORPORATION SYSTEM
 CLAYTON, MO 63105
 COURT SEAL OF



CASS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

/s/ Kim York, Circuit Clerk, 10/13/2020, 10:51 AM
 Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other: _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$ _____
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 17TH JUDICIAL CIRCUIT, CASS COUNTY, MISSOURI

RETURN
SB 11/12

Judge or Division: WILLIAM B COLLINS	Case Number: 20CA-CC00227
Plaintiff/Petitioner: CHERYL KYLE	Plaintiff's/Petitioner's Attorney/Address MICHAEL WAYNE WHARTON SUITE 370 10975 BENSON DRIVE OVERLAND PARK, KS 66210
Defendant/Respondent: SAM'S EAST, INC.	Court Address: Cass County Justice Center 2501 West Mechanic HARRISONVILLE, MO 64701
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: SAM'S EAST, INC.
Alias: D/B/A RAYMORE SAM'S CLUB NO 8243
 120 SOUTH CENTRAL AVENUE
 CT CORPORATION SYSTEM
 CLAYTON, MO 63105
 COURT SEAL OF

CASS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

/s/ Kim York, Circuit Clerk, 10/13/2020, 10:51 AM
 Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: **LCW - B. LOVE** (name) **INTAKE SPECIALIST** (title).
☒ other: _____

Served at **CT CORPORATION** (address)
 in **St. Louis County** (County/City of St. Louis), MO, on **OCT 22 2020** (date) at **11:00 AM** (time).

10M DEARIN
 Printed Name of Sheriff or Server

[Signature]
 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ _____
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
 Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

OCT 19 2020